

REMARKS/ARGUMENTS

Applicants affirm the election to prosecute 1-8 and 13-34. Accordingly, claims 9-12 are canceled.

Pending claims 1-8 and 13-24 stand rejected under 35 U.S.C § 102(e) over U.S. Patent No. 6,792,461 (Hericourt). Applicants respectfully traverse the rejection. With regard to claim 1, Hericourt nowhere discloses a traffic analyzer to compare a port specifier of a first message against port specifiers of previously received messages. In this regard, the Office Action refers to traffic analyzer 513 of FIG. 5 of Hericourt. However, Hericourt discloses that traffic analyzer 513 merely analyzes an IP datagram to determine whether it is originated from a source device or a server. Hericourt, column 12, lines 32-35. Nowhere does Hericourt teach or suggest that the traffic analyzer compares a port specifier of a first message to port specifiers of previously received messages.

Furthermore, Hericourt nowhere discloses an output to report a result of this comparison to a remote location. In this regard, the Office Action states that Hericourt checks to see if a request HTTP is located in a cache of a proxy server. However, there is no disclosure in Hericourt of an output from a communication switch to report the result of the above comparison (that does not occur in Hericourt). Instead, Hericourt merely discloses that an IP router sends a request to retrieve HTTP data to a proxy server and that the proxy server responds immediately with the data if it is cached therein. Hericourt, column 11, lines 5-30. Accordingly, for at least these reasons, claims 1-8 are patentable over Hericourt.

For at least the reason that Hericourt nowhere teaches comparing an address:port identifier against previously received messages' address:port identifiers, independent method claim 13 and claims 14-19 depending therefrom are patentable over Hericourt. In this regard, the above discussion of why Hericourt does not teach comparing port identifiers of a message to those of previously received messages applies equally.

With respect to independent claim 20, Hericourt nowhere discloses at least a second I/O to connect to an Internet service provider premises head-end server. In this regard, the Office Action contends that web system 505 is such a server. However, Hericourt discloses merely that system 505 is a web system. Nowhere does Hericourt teach or suggest that such system is a head-end server at an ISP premises. *E.g.*, Hericourt, col. 2, ln. 66 – col. 3, ln. 1.

Claim 20 is further patentable over Hericourt, as Hericourt nowhere discloses a traffic analyzer that includes either a throttling mechanism or a fraud reporter. In this regard, the Office Action merely contends that checking to see if a request HTTP is located in a cache somehow equates to the throttling mechanism and fraud reporter. This is not the case, at least for the reason that such checking does not occur within a traffic analyzer, *i.e.*, traffic analyzer 513 of Hericourt. Nor does Hericourt disclose that traffic analyzer 513 has any function other than determining if a request is from a client or a server. Accordingly, claim 20 and claim 21 depending therefrom are patentable over Hericourt.


As to claim 22, nowhere does Hericourt disclose comparing a first address:port combination of a message against a second address:port combination of a previously received message, as described above. For at least this reason, claim 22 and claims 23-24 depending therefrom are patentable over Hericourt.

For at least the same reasons, claims 25-33, which stand rejected under 35 U.S.C. § 103(a) over Hericourt in view of U.S. Patent No. 6,657,956 (Sigaud) are similarly patentable, as nowhere does Sigaud teach or suggest the missing elements.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504(ITL.0791US).

Respectfully submitted,

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